

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **#05-197 (APCB)**

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE THIRD COMMENT PERIOD**

The Indiana Department of Environmental Management (IDEM) requested public comment from October 4, 2006, through November 1, 2006, on IDEM's draft rule language. IDEM received comments from the following parties:

The Andersons, Inc. (TAI)  
Improving Kids' Environment (IKE)

Following is a summary of the comments received and IDEM's responses thereto.

*Comment:* The Indiana rule must contain a control efficiency that actually represents current BACT. As proposed, 326 IAC 8-5-7 requires a 98% control efficiency. Because IDEM has determined BACT to be 99% control efficiency in two recent permit decisions, it is appropriate for IDEM to request that the proposed rule be modified to require 99% control efficiency prior to final adoption at the December 6, 2006 Air Pollution Control Board meeting. (IKE)

*Comment:* Leaders in the ethanol industry do not believe that 99% control of VOCs can be continually and consistently achieved when operating 24 hours per day, 365 days per year while using the latest in control technology. Utilizing the latest advancements in control technology, our ethanol facilities will achieve 98% control efficiency on average. (TAI)

*Response:* Current BACT determinations performed under 326 IAC 8-1-6 for the fermentation process specify that VOC must be controlled through the use of a scrubber, which must operate at a control efficiency of no less than ninety-eight percent (98%) or a VOC outlet concentration less than 20 ppmv. The BACT for the distillation process and DDGS dryers require the source to use a thermal oxidizer, which must achieve either 98% control efficiency or a VOC outlet concentration less than 10 ppmv. This level of control efficiency is consistent with BACT determinations made in other States as well as in Indiana. This control efficiency is also consistent with the level of control guaranteed by the manufacturer.

IDEM has confirmed that there are at least three facilities in California that have a control efficiency requirement higher than 98% (synthetic minor limits). Based on discussions between IDEM and the San Joaquin Valley Unified Air Pollution Control District, IDEM has confirmed that these facilities have not demonstrated compliance with these limits through stack testing. IDEM is aware that other sources have achieved control efficiencies during testing that exceed 98%. Additionally, IDEM is aware that other vendors have guaranteed control efficiencies of 99% to control similar processes for other proposed ethanol plants. However, BACT limitations do not necessarily need to reflect the highest possible control efficiency

achievable by the technology on which the emission limitation is based. The permitting authority has discretion to base the emission limitation on a control efficiency that is somewhat lower than the optimal level. While IDEM recognizes that control efficiency of greater than 98% may be achievable, IDEM allows for sources to include a safety factor, or margin of error, to allow for minor variations in the operation of the emission units and the control device. This practice has been upheld by the EPA Environmental Appeals Board. See *In re Pennsauken County, New Jersey Resource Recovery Facility*, PSD Appeal No. 88-8, at 5 (Adm'r, Apr. 20, 1989) (Order Denying Review). Also see *In re Masonite Corporation*, PSD Appeal No. 94-1, at 560 (Adm'r, Nov. 1, 1994) (Order Denying Review in Part and Remanding in Part).